



# Wichita Police Department Policy Manual

Approved by: \_\_\_\_\_

Policy 407 – Traffic Arrests and Citations/Juvenile

Page 1 of 3

Maintained by:  
Special Operations

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## I GENERAL STATEMENT

Arrests for traffic offenses can be handled in one of three ways:

1. Arrest and book the offender into the Adult Detention Facility or;
2. Arrest, transport the offender to the Adult Detention Facility and after proper identification either
  - a. Issue NTA, transport offender to the front of the jail and release; or
  - b. Issue NTA, walk offender through the jail to the front and release.
3. Issue a Notice to Appear and release on scene.

The safety and welfare of the community should be considered in determining which option to use.

The following policy outlines mandatory and optional booking incidents.

### MANDATORY BOOKING:

407.01 Any person, age fourteen (14) and above, regardless of his/her state of residence, shall be arrested and booked if they are charged with any of the following traffic offenses:

- A. Any traffic felony
- B. Fleeing or Eluding a Police Officer, which meets the criteria, set forth in K.S.A. 8-1568 as amended July 1, 1999 or city ordinance 11.16.050(b).
- C. Driving Under the Influence:
  1. Alcohol 11.38.150 (a1) or (a2) or (a3);
  2. Drugs 11.38.150 (a4);
  3. Drugs & Alcohol 11.38.150 (a5).
  4. Commercial Vehicle 11.38.155

D. When, through a record check on the driver, the officer is informed of the existence of a warrant.

### OPTIONAL BOOKING OR TRANSPORT, NTA, AND RELEASE

407.02 If positive identification is made, officers may do one of the following for the traffic offenses listed below:

- R
1. Arrest and book into the Adult Detention Facility;
  2. Arrest, transport the offender to the Adult Detention Facility, and after proper identification, either:
    - a. Issue an NTA, transport offender to the front of the jail and release; or
    - b. Issue an NTA, walk offender through the jail to the front and release
  3. Issue an NTA and release on scene.

NOTE: If issuing an NTA and releasing the offender, officers need to clearly mark the citation with a court date, advise the offender of their court date and note that in their report.

- A. Drive After Suspended, Canceled or Revoked (including RV4): 11.42.030 (c) or (d). A copy of the confirming teletype must be attached to Arrest Report;

NOTE: The offender can be issued an NTA and released on scene if the vehicle can be released to an individual with a valid driver's license.

- B. No Driver's License in Possession: 11.42.010.

NOTE: The offender is booked only when he/she is unable, or unwilling, to ID himself/ herself to the officer's reasonable satisfaction, if available a MorphoRapID can be used to obtain positive identification.

- C. Hit & Run: 11.12.010

- D. Reckless Driving: 11.38.160 (a)

- E. Auto License Concealed, Altered, Defaced: 11.38.300 (b)

NOTE: The offender will be arrested only when the license is altered or defaced.

- F. Illegal License Plate: 11.38.300 (c)

NOTE: The offender will be arrested only when the license has been reported lost or stolen.

### DRIVER'S LICENSE MUST BE SUBMITTED AS EVIDENCE:

407.03 An Officer must turn in as physical evidence the driver's license of any person arrested for any of the following:

- A. Displaying a suspended/revoked driver's license while not driving [i.e., for identification purposes];
- B. Displaying another's driver's license/identification as one's own;
- C. Possession of an altered, defaced, or fictitious driver's license.

407.04 An officer who arrests a person for driving while his/her license was suspended or revoked shall staple a copy of the teletype to the person's driver's license [only if not charged with a violation listed in 407.02] and shall turn them in with his/her mail at the end of shift. Records Bureau personnel shall ensure that any D.L.'s with an attached printout received are forwarded to the Accident Follow-Up Unit.

TRAFFIC CITATIONS:

407.05 With the exception of the offenses stated in Section 407.01, 407.02 and Section 407.09, all other traffic violations are considered traffic infractions. Officers shall issue a traffic citation, and shall not arrest an offender who has committed only a traffic infraction, regardless of the violator's state of residence.

407.06 All traffic violators will be requested to sign the citation. Should the person refuse to sign, the officer shall print the word refused in the offender's signature block and issue the citation to him/her. Refusal to sign a citation does not provide sufficient grounds to arrest the violator; instead, the violator shall be referred to the back of the citation for disposition information.

MULTIPLE VIOLATIONS:

407.07 When a traffic misdemeanor is committed in conjunction with a traffic infraction, the officer shall list the traffic misdemeanor and the traffic infraction on the same citation. The violator shall then be booked and charged on all violations.

407.08 The number of violations on a citation shall not exceed five (5), with additional citations issued as needed. (exception: Drive While Habitual Violator (RV4) must be issued on a separate citation per 407.01 (B) (1) (b)).

JUVENILE TRAFFIC VIOLATORS:

407.09 Juvenile traffic violators ages fourteen (14) through seventeen (17) generally will be dealt with in the same manner as adults for all other violations; i.e., citations may be issued.

407.10 Juvenile traffic violators ages ten (10) through thirteen (13) shall not be issued a traffic citation for any offense. Documentation of traffic infractions committed by this age group shall be made by completing an Incident Report and routing a copy to the Juvenile Court Liaison Officer. Should an officer believe the violation is serious enough to warrant prosecution, he/she shall request the Juvenile Court Liaison Officer to draw a petition.

407.11 Cases in which a juvenile ages ten (10) through seventeen (17) is to be charged with vehicular homicide or with involuntary manslaughter involving a motor vehicle shall be documented with the following:

- A. An Incident Report;
- B. A WPD Motor Vehicle Accident Report;
- C. A State of Kansas Motor Vehicle Accident Report.
- D. Any applicable impairment paperwork (i.e. D.C. 27, D.C. 28, D.C. 70, Alcohol Influence Report).

These reports shall be forwarded to AFU for prosecution through the juvenile court.

407.12 When the nature of a traffic offense requires that a juvenile ages fourteen (14) through seventeen (17) be processed at the Juvenile Detention Facility, refer to Policy 305 - Juvenile Arrests. In these cases, an Arrest Report must be used as the booking document for JDF. An Incident Report shall also be completed and routed to the appropriate section.

PARKING CITATIONS ON PRIVATE PROPERTY:

407.13 Officers shall take the following actions when writing parking citations on private property:

- A. Check "Miscellaneous" on the citation and write in the ordinance number for Parking on Private Property;
- B. Write the name of the property owner/agent on the back of the citation;
- C. Advise the property owner/agent that he/she may be required to appear in court to testify concerning the citation.

PRIVATE SECURITY HANDICAPPED PARKING ENFORCEMENT:

407.14 Pursuant to K.S.A. 8-1,128, a handicapped parking space is defined as the following:

“All parking spaces designated for the handicapped shall be clearly marked by vertically mounted signs bearing the international symbol of access. Such signs shall be displayed with the bottom of the sign not less than thirty-two (32) inches above the surface of the roadway.”

407.15 Unlawful parking in a clearly designated handicapped parking space shall be enforced when:

- A. Any person stops or parks a vehicle in any parking space designated as handicapped parking without displaying a special license plate, permanent placard, or disabled veteran license plate and an individual identification card or valid temporary permit. A properly marked vehicle for the handicapped may be operated by a non-handicapped person. However, the vehicle may only be parked in a handicapped space when the non-handicapped person is actively transporting a handicapped person or a disabled veteran.
- B. Any person stops, stands or parks a vehicle so that it blocks access to a space designated for handicapped parking or access ramp.

407.16 Persons operating vehicles which meet the requirements set forth in paragraph 407.14 (A) may back into public parking spaces, or park diagonally in two (2) regular parking spaces, if there are no handicapped parking spaces available.

407.17 Private security personnel may request a citation be issued for violation of handicapped parking on private property which is under the control of the private security officer's employer.

- A. If the vehicle has left the scene prior to the arrival of the Police Officer/Ambassadors, he/she shall complete a citation, using the information provided by the private security officer. The private security officer shall sign the citation as the complainant in the space designated for “Signature and Identification”. The Police Officer/Ambassadors shall also sign and place his/her identification number above the signature of the private security officer. In addition, he/she shall back the citation by printing the private security officer's full name, business address, daytime telephone number, the business name, and the business owner or manager's name on it. The original citation and all copies shall be submitted to the Municipal Court at the end of his/her tour of duty. The Court shall be responsible for mailing the violator's copy of the citation to registered owner of the vehicle.
- B. In the event the private security officer does not have all the information required to complete the citation, or he/she refuses to sign the citation, the Police Officer/Ambassadors shall not issue a citation.

#### FOREIGN DRIVER'S LICENSES:

407.18 Persons who have the status of resident aliens and possessing a foreign driver's license, must also have a valid license issued by a U.S. State to operate a motor vehicle in the State of Kansas. Possession of only a license issued by a foreign country by a resident alien should be considered the same as not having a driver's license. Persons who are **non**-resident aliens may drive in Kansas with a license issued by their country of citizenship. They do not require a US License. They may also possess an “International Driver's Permit” issued by the Automobile Association of America (AAA). This document translates their license into English so that Law Enforcement can better understand it, but is not a valid license and must be accompanied by their Driver's License. Licenses issued by foreign governments should not be seized unless there is proof the document is altered or fictitious. Should any stop of a foreign citizen result in an arrest, refer to Policy 514 – Illegal Aliens/Foreign Nationals.